

REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in view of the following remarks is respectfully requested.

Claims 25-29, 31-56, and 58-67 are currently active in this case. Claims 30 and 57 have been cancelled and claims 25, 33, 37, 38, 44, 47, 50, 58, 60, and 63-66 have been amended by the current amendment. No new matter has been added.

In the outstanding Office Action, claim 63 was objected to; claims 25, 37, and 50 were rejected under 35 USC 112, first paragraph, for failing to comply with the written description requirement; claim 65 was rejected under 35 USC 112, second paragraph, for being indefinite; claims 25-33, 35-46, 48-59, and 61-65 were rejected under 35 USC 102(e) as being anticipated by US Patent Application Publication No. 2001/0053944 to Marks et al.; and claims 34, 47, and 60 were rejected under 35 USC 103(a) as being unpatentable over Marks in view of US Patent No. 6,587,127 to Leeke et al.

In response to the objection to claim 63, claim 63 has been amended as suggested by the Office Action. No further objection on this basis is therefore anticipated.

In response to the rejection of claims 25, 37, and 50 under 35 USC 112, first paragraph, Applicants have amended those claims to clarify that the uni-directional broadcasting information flow is from a service provider. See, for example, page 3 line 27 of the Specification. In view of the amendments to claims 25, 37, and 50, no further rejection on the basis of 35 USC 112, first paragraph, is anticipated.

In response to the rejection of claim 65 under 35 USC 112, second paragraph, Applicants have amended claim 65 to clarify that the broadcast signal includes at least one of a service ID or service name to enable the receiving device to distinguish between different services or priority information of at least one service indicating which of several additional services has the highest priority in case said additional services are transmitted at the same

time. Support for these changes can be found in the Specification at page 6 lines 21-23 (service ID and service name) and on page 8 line 7-15, page 9 lines 12-14, page 10 lines 21-23, and page 11 lines 2-8 (priority information). In view of the amendment to claim 65, no further rejection under 35 USC 112, second paragraph, is anticipated.

Briefly recapitulating, the present invention addresses communication and interaction problems of an end user receiving a uni-directional broadcasting of real time events from a service provider. To that end, claim 25 defines the steps of extracting, from a main service uni-directionally broadcasted information flow, service information regarding additional services; activating a receiving device, or necessary parts thereof, for receiving the main service during time intervals in which one or more additional services are sent from the service provider to the receiving device; and returning said receiving device or the necessary parts thereof to a deactivated state during time intervals when the receiving device or necessary parts thereof are not activated. The steps of activating and returning are performed on the basis of the stored service information or the latest extracted service information.

Claim 37, like claim 25, defines the extracting, activating, and returning steps defined by claim 25. Claim 50 also defines the steps of extracting, activating and returning.

Claim 63 is directed to a broadcast signal transmitted, configured, and adapted for transmission as a uni-directional information flow. The broadcast signal defined by claim 63 enables the steps recited in independent claims 25, 37, and 50.

Lastly, claim 66 defines an apparatus configured to receive and extract the at least one additional service from the main service uni-directionally broadcasted signal. The apparatus of claim 66 further includes a scheduler means for controlling the process of accessing the at least one additional service.

In contrast thereto, the Marks et al. application discloses a method for searching, selecting, and playing audio programs using a top channel shared by a plurality of listeners.

Each listener reacts to program items and listener reactions to the program items are processed by the service provider. Further, using a side channel, an alternate playlist is provided based on the listener's preferences and selections.

In contrast to the subject matter recited by the amended claim 25, Marks et al. do not disclose or suggest providing a service that is temporarily included in a main service. The user in Marks et al. elects to listen to either the top channel or the customized side channel. Further, Marks et al. do not disclose a method for a uni-directional broadcast service. Rather, Marks et al. disclose an audio Internet navigation system which is bi-directional evidenced by its purported ability to process the reaction of the listener. Moreover, in the system of Marks et al., a receiving device is not activated during time intervals in which the additional services are being sent to the receiving device. Additionally, Marks et al. do not teach extracting from the main service a service information about additional services. Rather, Marks et al. teach use of a side channel to provide a customized playlist. Lastly, Marks et al. do not disclose automatically returning the receiving device to a deactivated state during time intervals when the receiving device is not activated. That is, the system of Marks et al. does not switch on or off depending on extracted and stored information.

Applicants further note that, regarding the rejection of original claim 30, the passages identified in the Office Action merely discuss time shifting and the creation of a program list. None of the passages relied upon in the Office Action are believed to anticipate or render obvious the feature recited by original claim 30. Claim 25 has been amended to recite the feature of original claim 30.

In view of the foregoing, Marks et al. are not believed to anticipate or render obvious the subject matter defined by claims 25, 37, 50, or 63.

Regarding the 35 USC 103 rejection of claim 66, Applicants respectfully point out that the Leeke patent fails to address the deficiencies of the Marks et al. application. That is,

the Leeke patent also discloses a bi-directional system. Neither Marks et al. nor Leeke teaches or suggests to a person of ordinary skill in the art any solutions to problems special to uni-directional systems. Rather, the applied art disclose interactive systems for providing personalized content, but fail to anticipate or render obvious the subject matter defined by independent claim 66. Consequently, the 35 USC 103(a) rejection of claim 66 should be withdrawn.

In view of the foregoing amendments and remarks, no further issues are believed to be outstanding. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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